



U.S. Immigration  
and Customs  
Enforcement

June 28, 2005

# News Release

## **THREE CONVICTED OF ILLEGALLY IMPORTING AND DISTRIBUTING CANCER DRUGS TO DOCTORS AND HOSPITALS IN PHILADELPHIA** *-- One Unapproved Cancer Drug Was Distributed in the Conspiracy --*

PHILADELPHIA — After a two-week trial before Judge Robert F. Kelly in the Eastern District of Pennsylvania, a federal jury last Friday found three principal officers of a U.K.-based company guilty of illegally importing and distributing prescription oncology medications, including one unapproved cancer drug, to doctors and hospitals in the Philadelphia area.

The jury found Andrew Briner, 48, Dean Hodges, 59, and Daniel Mullen, 53, guilty of 27 counts of a 30-count indictment issued on February 8, 2005. The indictment charged the three individuals, all U.S. citizens, and their company, Pharmaceutical Limited Supplies, with illegally importing, selling, and distributing oncology drugs from the United Kingdom to doctors, and hospitals located in the Philadelphia area. Oncology drugs are injected into patients for the treatment of cancer.

The indictment alleges that, from July 2003 through April 2004, the three conspired to smuggle oncological medications from the United Kingdom into the United States by fraudulent practices. The three were also accused of conspiring to engage in the wholesale distribution of drugs without the proper Pennsylvania license, and conspiring to market the cancer drug, Campto, in the United States even though this drug has not been approved for sale in the United States by the Food and Drug Administration (FDA).

"Those who seek to profit off the suffering of cancer patients by distributing unapproved and illegally-imported drugs are a rare breed," said William F. Reid, Special Agent-in-Charge for ICE Office of Investigations in Philadelphia. "As this case demonstrates, we will go to every length possible to investigate and prosecute individuals engaged in this activity."

"Cancer patients are the true victims of this fraudulent scheme," said Kim A. Rice, Special Agent in Charge for FDA's Office of Criminal Investigations. "This case sends a strong message that the illegal importation and distribution of unapproved cancer drugs will not be tolerated."

ICE agents in Philadelphia along with the Federal Bureau of Investigation (FBI), FDA's Office of Criminal Investigations, the U.S. Postal Inspection Service and the Department of Health and Human Services/Office of Inspector General launched the investigation in December 2003 after receiving information involving the illegal importation of the medications in this case.

On April 6, 2004, agents from all of the agencies executed seven search warrants and numerous subpoenas as part of the investigation. During the execution of the warrants, agents seized \$207,000 from a bank account, oncology medications with the wholesale value of \$400,900, as well as computers and evidentiary documents.

Based on evidence gleaned from the search warrants, the agencies in this task force investigation determined that the illegal enterprise netted \$1.7 million dollars in sales. Agents also learned that the defendants had crafted a projected business plan to make \$70 million over a five-year period from the importation and sale of these drugs to doctors treating cancer patients.

As a result of the convictions, the defendants could face a potential maximum sentence of 63 months incarceration and fines to be determined by the judge. A sentencing date for the defendants has not yet been scheduled. The U.S. Attorney for the Eastern District of Pennsylvania prosecuted this case.

# ICE #

*U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*